

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: SHAHAR=2

In re Patent of:	)	Conf. No.: 7189
	)	
SHAHAR et al.	)	
	)	
Patent No.: 7,058,441	)	Washington, D.C.
	)	
Issued: June 6, 2006	)	September 10, 2007
	)	
For: OPTICAL MEASURING SYSTEM	)	
FOR DIAGNOSING EAR	)	ATTN: Certificate of
CONDITIONS	)	Correction Division

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. §1.322

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, Mail Stop Post Issue  
401 Dulany Street  
Alexandria, VA 22314

Sir:

In checking over the printed copy of the above-identified patent, we have found the following error that is the fault of the Patent and Trademark Office. It is respectfully requested that this error be corrected in accordance with 37 CFR §1.322(a). The error to be corrected is listed below.

1) On the cover, section 75, in the list of inventors delete "Meir Tenne, Yeqneam Village (IL)" and insert --Victor Alchanatis (IL); Ze'ev Schmilovitch (IL)--.

We are attaching one copy of the Certificate of Correction form.

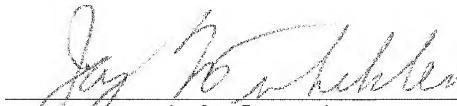
In accordance with MPEP §1480.01, in an effort to expedite processing of this request, also attached hereto are copies of an amendment under 35 USC 116 and 37 CFR 1.48(a)(1) requesting correction of inventorship and a date-stamped USPTO postcard indicating that said amendment was filed on November 23, 2004, and received by the PTO.

Granting of this request is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By

  
\_\_\_\_\_  
Jay M. Finkelstein  
Registration No. 21,082

:dtb

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

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UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTIONPage 1 of 1

PATENT NO. : 7,058,441

APPLICATION NO. 09/987,685

ISSUE DATE : June 6, 2006

INVENTOR(S) : SHAHAR et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

- 1) On the cover, section 75, in the list of inventors delete "Meir Tenne, Yqneam Village (IL)" and insert --Victor Alchanatis (IL); Ze'ev Schmilovitch (IL) --.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

624 Ninth Street, NW  
Suite 300  
Washington, DC 20001-5303

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

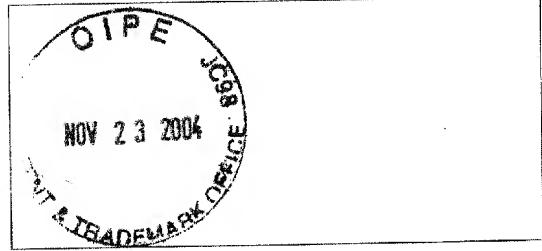
# COPY

APPLICATION/PATENT NO: 09/987,685  
DOCKET NO: SHAHAR=2

CONF. NO.: 7189  
CLIENT CODE: COHN

THE PATENT AND TRADEMARK OFFICE STAMP  
HEREON ACKNOWLEDGES RECEIPT OF THE  
FOLLOWING PAPERS:

FEES \$ 130.00 PTO FORM 2038  
 EXTENSION OF TIME ( \_\_\_\_ MONTHS)  
 TRANSMITTAL LETTER  
 MISSING PARTS RESPONSE WITH DECL  
 AMENDMENT RESPONSE (circle one)  
 PRELIMINARY       SUPPLEMENTAL  
 APPLICATION DATA SHEET  
 RESTRICTION/ELECTION REPLY  
 SEQUENCE LISTING       WITH DISK  
 RCE TRANSMITTAL  
 REQUEST FOR STATUS  
 NOTICE OF APPEAL  
 APPEAL BRIEF/REPLY BRIEF (TRIPPLICATE)  
 REQUEST & CERTIFICATE OF CORRECTION  
 OTHER Statement Under 37 C.F.R. 1.48(a)  
Consent of Assignee



ASSIGNMENT  
 INFORMATION DISCLOSURE STATEMENT  
 FORM SB08A & \_\_\_\_ PATENTS/PUBS  
 PRIORITY DOCUMENT(S) NO. \_\_\_\_  
 DECLARATION UNDER § \_\_\_\_  
 \_\_\_\_ SHEETS OF FORMAL DRAWINGS  
 ISSUE FEE TRANSMITTAL FORM  
 PUBLICATION FEE  
 MAINTENANCE FEE LETTER

B&N-1

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: SHAHAR=2

In re Application of:	) Confirmation No.: 7189
	)
Menashe SHAHAR	) Art Unit: 3737
	)
Appln. No.: 09/987,685	) Examiner: SHAW, S. J.
	)
Filed: November 15, 2001	) Washington, D.C.
	)
For: DIAGNOSTIC SYSTEM FOR...	) November 23, 2004

### **AMENDMENT UNDER 35 U.S.C. 116 and 37 C.F.R. 1.48(a)(1)**

Honorable Commissioner for Patents  
220 20<sup>th</sup> Street South  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

It is hereby requested that the inventorship for the  
above-identified application be corrected by deleting from the  
listing of inventors:

Mier Tenne

and adding to the list of inventors

Victor Alchanatis; and

Ze'ev Schmilovitch.

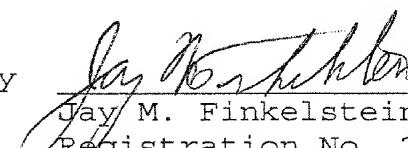
Submitted herewith is a Statement under 37 C.F.R.  
1.48(a)(2), a new Declaration under 37 C.F.R 1.48(a)(3) and

1.63, a Consent of Assignee under 37 C.F.R. 3.73 and the required processing fee.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By

  
\_\_\_\_\_  
Jay M. Finkelstein  
Registration No. 21,082

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: SHAHAR=2

In re Application of: ) Confirmation No.: 7198  
Menashe SHAHAR )  
Appln. No.: 09/987, 685 ) Art Unit: 3737  
Filed: November 15, 2001 ) Examiner: SHAW, S. J.  
For: DIAGNOSTIC SYSTEM FOR ) Washington, D.C.  
THE EAR ) June 2, 2004  
 )  
 )

**STATEMENT UNDER 37 C.F.R. 1.48(a)**

Honorable Commissioner for Patents  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

The undersigned, Meir Tenne, Victor Alchanatis and Ze'ev Schmilovitch declare and state the following:

Undersigned Meir Tenne declares and states that he was incorrectly named as an inventor in connection with the above-identified application, that he is to be deleted as an inventor, and that the error in inventorship, i.e. the error in naming him as an inventor, occurred without deceptive intention on his part;

Undersigned Victor Alchanatis and Ze'ev Schmilovitch each declares that he is an inventor of

the subject matter disclosed and claimed in the above-identified application and that the error in inventorship, i.e. the failure to name him as an inventor in the declaration under 37 C.F.R. 1.63, filed on January 29, 2002, was without deceptive intention on his part.

Respectfully submitted,

By

Meir Tenne

Date 18.7.2004

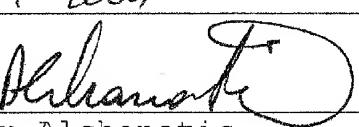
By



Victor Alchanatis

Date 17/6/2004

By



Ze'ev Schmilovitch

Date 17/6/2004

JMF:mch

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

C:\BN\C\cohn\Shahar2\STATEMENT 2 JUN 04.doc

## Combined Declaration for Patent Application and Power of Attorney

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### DIAGNOSTIC SYSTEM FOR THE EAR

the specification of which (check one)

[ ] is attached hereto;  
[X] was filed in the United States under 35 U.S.C. §111 on November 15, 2001, as U.S. Appln. No. 09/987,685 \*; or  
[ ] was/will be filed in the U.S. under 35 U.S.C. §371 by entry into the U.S. national stage of an international (PCT) application; filed , entry requested on \*; national stage application received U.S. Appln. No. \_\_\_\_\_ \*; §371/§102(e) date \_\_\_\_\_ \* (\* if known)

and was amended on April 6, 2004 (if applicable).

*(include dates of amendments under PCT Art. 19 and 34 if PCT)*

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and I acknowledge the duty to disclose to the Patent and Trademark Office (PTO) all information known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119 (a)-(d) and 365 (b) of any prior foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or under §365(a) of any PCT application which designated at least one country other than the U.S., listed below:

Application No.	Country	Filing Date (MM/DD/YYYY)
<u>60/248,593</u>	<u>U.S.</u>	<u>November 16, 2000</u>

If I claimed foreign priority above, I hereby identify below any foreign application for patent (including an international (PCT) application designating a country other than the United States) or for an inventor's or plant breeder's certificate, having a filing date before that of the earliest application from which foreign priority is claimed (if left blank, then there are none):

Non-Priority Application No.	Country	Filing Date (MM/DD/YYYY)
_____	_____	_____

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional applications listed below:

Application No.	Filing Date (MM/DD/YYYY)
_____	_____

I hereby claim the benefit under 35 U.S.C. §120 of any prior U.S. non-provisional application(s) or under §365(c) of any prior PCT international application(s) designating the U.S., listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such U.S. or PCT international application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the PTO all information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date (MM/DD/YYYY)	Status (patented, pending, abandoned)
_____	_____	_____

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**All of the practitioners associated with Customer Number 001444**

Direct all correspondence to the address associated with Customer Number 001444, which is presently:

**BROWDY AND NEIMARK, P.L.L.C.**  
624 Ninth Street, N.W.  
Washington, D.C. 20001-5303  
(202) 628-5197

Title: DIAGNOSTIC SYSTEM FOR THE EARU.S. Application filed November 15, 2001, Serial No. 09/987,685

PCT Application filed \_\_\_\_\_, Serial No. \_\_\_\_\_

The undersigned hereby authorizes the U.S. Attorneys or Agents appointed herein to accept and follow instructions from \_\_\_\_\_ as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. Attorneys or Agents and the undersigned. In the event of a change of the persons from whom instructions may be taken, the U.S. Attorneys or Agents appointed herein will be so notified by the undersigned.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST INVENTOR Menashe SHAHAR		INVENTOR'S SIGNATURE	DATE <i>PP</i> 9.6.2004
RESIDENCE Moshav Korazim, ISRAEL		CITIZENSHIP ISRAELI	
POST OFFICE ADDRESS Moshav Korazim, ISRAEL			
FULL NAME OF SECOND JOINT INVENTOR Victor ALCHANATIS		INVENTOR'S SIGNATURE <i>V. Alchanatis</i>	DATE 17.6.2004
RESIDENCE Ra'anana, ISRAEL		CITIZENSHIP ISRAELI	
POST OFFICE ADDRESS 7/16 Menachem Begin, 43722, Ra'anana, ISRAEL			
FULL NAME OF THIRD JOINT INVENTOR Ze'ev SCHMILOVITCH		INVENTOR'S SIGNATURE <i>Ze'ev Schmilovitch</i>	DATE 17/6/2004
RESIDENCE Yehud, ISRAEL		CITIZENSHIP ISRAELI	
POST OFFICE ADDRESS 3 Begin Street, Yehud, 56478, ISRAEL			
FULL NAME OF FOURTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF FIFTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF SIXTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			

ALL INVENTORS MUST REVIEW APPLICATION AND DECLARATION BEFORE SIGNING. ALL ALTERATIONS MUST BE INITIALED AND DATED BY ALL INVENTORS PRIOR TO EXECUTION. NO ALTERATIONS CAN BE MADE AFTER THE DECLARATION IS SIGNED. ALL PAGES OF DECLARATION MUST BE SEEN BY ALL INVENTORS.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: SHAHAR=2

In re Application of:	)	Art Unit: 3737
	)	
Menashe SHAHAR et al	)	Examiner: S. SHAW
	)	
Appln. No.: 09/987,685	)	Washington, D.C.
	)	
Filed: November 15, 2001	)	November 22, 2004
	)	
For: DIAGNOSTIC SYSTEM FOR THE	)	
EAR	)	
	)	

CONSENT OF ASSIGNEE

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

Chameleon Medical Innovation Ltd, a corporation having a principal place of business at Lod, Israel (hereinafter "Chameleon"), hereby certifies that it is the assignee of the entire right, title and interest of the above-identified patent application by virtue of an assignment from inventor Menashe SHAHAR, to A.B.Y. Shachar Initial diagnosis Ltd. recorded January 29, 2002, at Reel 012538, Frame 0314, a change of name to Chameleon, recorded November 12, 2004, at Reel 015354, Frame 0376 and an assignment from added inventors Victor ALCHANATIS and Ze'ev SCHMILOVITCH, to Chameleon, recorded November 16, 2004, at Reel 015365, Frame 0484.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above

and, to the best of undersigned's knowledge and belief, title is in the assignee identified above. The undersigned (whose title is supplied below) is empowered to sign this document on behalf of the assignee.

Chameleon hereby consents to the addition of Victor ALCHANATIS and Ze'ev SCHMILOVITCH as joint inventors and the deletion of Meir Tenne as an inventor in this case.

{Chameleon Medical Innovation Ltd }

By: Jay M. Finkelstein  
Signature

Jay M. Finkelstein  
Name of Person Signing

Attorney of record  
Title of Person Signing

22 Nov 04  
Date

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